AGENDA
Lynnwood Planning Commission
Thursday, January 10, 2008 — 7:00 pm
City Council Chambers, 19100 — 44th Ave. W., Lynnwood WA

A. Call to Order
First Vice Chair ELLIOTT
Commissioner AMBALADA
Commissioner DAVIES
Commissioner PEYCHEFF
Commissioner WRIGHT
Commissioner WOJACK, Second Vice-chair

B. APPROVAL OF MINUTES:
Meeting of June 14, 2007
Meeting of June 28, 2007
Meeting of July 26, 2007
Meeting of September 13, 2007

C. COUNCIL LIAISON REPORT

D. CITIZEN COMMENTS — on matters not on tonight’s agenda.

E. PUBLIC HEARINGS:
None

F. WORK SESSION:
1. Lot Size Averaging Code Amendment (2008-CAM-0001)
   If approved, this code amendment would revise the City’s regulations for averaging the size of lots in new subdivisions to provide that the area of no more than ___ percent of lots in a subdivision could be less than the minimum size for the application zoning district. Referral from City Council.

   This code amendment would provide zoning regulations for the permitting process for and operation of temporary tent encampments (“Tent Cities”).

3. Presentation: Short Course on Local Planning

G. OTHER BUSINESS:

H. DIRECTOR’S REPORT:
   1. Upcoming Commission Meetings
   2. Looking Forward into 2008
   3. Recognition Dinner for Former Commissioner Decker

I. ADJOURNMENT

The public is invited to attend and participate in this public meeting. To request special accommodations for persons with disabilities, contact the City at (425) 670-6613 at least 24 hours prior to the meeting.
ACTION

Discussion only, at this work session. A public hearing on this proposal will be scheduled for February or March, 2008.

BACKGROUND

Current regulations allow the averaging of the area of lots in new subdivisions (see Attachment A), provided that:

- No lot may be less than 90% of the minimum size allowed in the applicable zone; and,

- The area in lots that are more than 125% of the minimum size may not be included in the averaging calculation.

PROPOSAL

At the City Council meeting of October 8, 2007, the Council asked the Planning Commission to review the zoning regulations that allow the averaging of lot sizes in new subdivisions (“lot size averaging”). During discussion, members of the Council stated concerns about the percentage of lots in recent subdivisions that were being platted at less than the minimum lot size. For example, in a recent preliminary plat (Amini subdivision), four of the five lots were smaller than 8,400 sq. ft. – the minimum lot size in the RS-8 zone. The City Attorney has drafted an ordinance that would allow no more than 25% of the lots in a subdivision to have a lot area less than the minimum size (Attachment B).

As part of initiating this code amendment, the Council asked for a tabulation of lot sizes in subdivisions reviewed in the last five years. Attached is a summary table of the lot sizes in those subdivisions (Attachment C). This table shows that:
• Eleven subdivisions with 229 lots were processed during this time;

• Overall, the area of 51% of those lots was less than the minimum for the applicable zone;

• In four of the subdivisions, the percentage of “averaged” lots was 25% or less, in the others it was more than 25%;

ANALYSIS AND COMMENT

Approval of this code amendment would reduce the flexibility that the current code offers for design of new subdivisions and creation of new single family lots. For example, in the Amini subdivision, this amendment would have allowed only one of the five lots to be smaller than 8,400 sq. ft. The effect in this case would have been either to require demolition of the existing house or loss of a lot. Imposing this 25% limitation on other recent plats would have reduced the number of lots in most subdivisions.

Staff believes that allowing less flexibility in subdivision design would be in conflict with the policies of the City to encourage development of new single family residences. In particular, this limitation would conflict with the subgoal for single family housing retention, which calls for the City to achieve a 60:40 ratio between single family and multi-family units in the City (outside the City Center). We also believe that, except in rare cases, it is not possible to tell when a lot’s area is (all lots must be at least 90% of the standard lot size required in the zoning district) smaller than 8,400 sq. ft. Further, imposing new restrictions on lot size averaging is likely to increase housing costs as land and development costs. The cost to provide road and utilities may not decrease and is again are distributed over fewer lots.

RECOMMENDATION:

Staff supports maintaining existing lot size averaging flexibility.

ATTACHMENTS

1. LMC 21.42.210
2. Draft Ordinance
3. Summary Table – Area of Lot Sizes in Subdivisions 2003-07
21.42.210 Additional development standards.

A. Parking Requirements. Each dwelling unit must provide on-site parking for two motor vehicles in accordance with the stall dimensions specified in LMC 21.18.700, Figure 21.18.1. Such covered or uncovered vehicular storage areas may not be within any required yard setback area.

B. Fences and Hedges. Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

C. Minimum Lot Area in RS-8 and RS-7 Zones. Within RS-8 or RS-7 zoned land the required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone; provided, that:

1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;
2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;
5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and
6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

D. Minimum Lot Area in RS-4 Zone. Within the RS-4 zone the minimum lot size is 4,000 square feet per single-family dwelling.

E. Small Lot Single-Family Dwelling Development Standards. Single-family dwellings built on lots zoned RS-4 shall meet the requirements contained within this section unless approved as part of a multiple-family development pursuant to the regulations within Chapter 21.43 LMC. It is the intent of these development standards that single-family dwellings on small lots be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are constructed. A minimum area for the application of the RS-4 zone shall be one acre. The community development director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

1. Where lots front on a public street or private access easement, the dwelling shall have doors and windows facing the street or private access easement. Dwellings shall have a distinct entry feature such as a porch or weather covered entryway with minimum dimensions of six feet by six feet. Covered porches open on three sides may encroach six feet into a required front yard setback.
2. If the lot abuts an alley in addition to a public street, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. Where the garage, or off-street parking area, is accessed from an alley no curb cuts shall be permitted on the public street.
3. If there is no alley access and the lot fronts on a public street or private access easement, the front of the garage shall be set back a minimum of five feet from the main front plane of the dwelling, and the dwelling shall have entry, window, and/or roofline design treatment which emphasizes the dwelling more than the garage.
4. Driveways shall not exceed 20 feet in width in the required front yard setback area.
5. Dwellings built on lots without direct frontage on a public street shall be situated to
respect the privacy of abutting dwellings and to create usable yard space for the dwelling(s).

6. Lot coverage by the living space of a dwelling shall not exceed 40 percent. Total lot coverage by the dwelling and any other buildings on the lot shall not exceed 50 percent.

7. Landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives.

8. Accessory structures are limited to a total amount of 200 square feet in floor area, excepting garages.

9. All dwelling units shall be built to the Built Green? standards (Three-Star level) as administered by the Master Builders Association of King and Snohomish Counties.

10. All dwelling units shall conform to only those Citywide Design Guidelines, adopted by reference in LMC 21.25.145(B)(3), contained in the section on multiple-family housing and listed as follows by subject:
   a. Site entry feature.
   b. Pitched roof forms.
   c. Windows.
   d. Materials.
   e. Parking structures.

F. Pre-Existing Subdivisions. Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the lot dimensions and area are in conformance with LMC 21.12.300, and the buildings to be located thereon conform to all other standards of the residential zone within which the lot is located.

G. Landscaping. All nonresidential uses listed as permitted or conditionally permitted uses in Table 21.42.01 shall meet the landscaping requirements for such uses as if the uses were located in any multiple-family zone adjacent to a single-family zone. The applicable landscaping standards are contained in LMC 21.43.210. (Ord. 2586 § 2, 2005; Ord. 2512 § 1, 2004; Ord. 2466 § 1, 2003)
CITY OF LYNNWOOD

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD AMENDING LYNNWOOD MUNICIPAL CODE SECTION 21.42.210 C PERTAINING TO LOT SIZE AVERAGING BY LIMITING THE NUMBER OF LOTS BELOW THE MINIMUM LOT SIZE TO TWENTY-FIVE PERCENT OF THE LOTS IN THE SUBDIVISION; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR SUMMARY PUBLICATION.

Whereas, the City Council of the City of Lynnwood has adopted development standards for subdivisions; and

Whereas, those development standards allowed for lot averaging; and

Whereas, the City Council has determined that the interest of the city are served by establishing a maximum number of lots below average lot size;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Section 21.42.030 of the Lynnwood Municipal Code is amended as follows:

21.42.210 Additional Development Standards

C. Minimum lot area in RS-8 and RS-7 Zones. Within RS-8 and RS-7 zoned land that required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within the lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone; provided that:

1. No more than 25 percent of the individual lots are smaller than the required minimum lot size allowed in that zone;
2. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;
3. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
4. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
5. A lot which is, by these provisions, smaller than the required minimum lot size, is allowed a reduction of five feet from the required minimum lot width;
6. Final plats or short plats which utilize lot size averaging shall list the area of all lots on the face of the plat; and

7. Preliminary plats approved using lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

Section 2: Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3: Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS ___ day of ________________, 2007 and signed in authentication of its passage this __th day of _____________, 2007.

________________________
DON GOUGH, Mayor

ATTEST:
________________________
VICKI HEILMAN, Interim Finance Director

APPROVED AS TO FORM:
________________________
MICHAEL P. RUARK, City Attorney
SUMMARY OF ORDINANCE NO. _____

of the City of Lynnwood, Washington

On the _____th day of ____________, 2007, the City Council of the City of Lynnwood, passed Ordinance No ____. A summary of the content of said ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD AMENDING LYNNWOOD MUNICIPAL CODE SECTION 21.42.210 C PERTAINING TO LOT SIZE AVERAGING BY LIMITING THE NUMBER OF LOTS BELOW THE MINIMUM LOT SIZE TO TWENTY-FIVE PERCENT OF THE LOTS IN THE SUBDIVISION; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of ___________, 2007.

VICKI HEILMAN
Interim Finance Director
### Area of Lots in Subdivisions 2003-07

**Summary**

<table>
<thead>
<tr>
<th>Subdivision</th>
<th>Lots</th>
<th>Lot Area*</th>
<th>&lt;8,400 sf</th>
<th>% Lots</th>
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<td>8</td>
<td>8,416</td>
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<td>47</td>
<td>8,645</td>
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<tr>
<td>Ridgeview</td>
<td>30</td>
<td>8,406</td>
<td>20</td>
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<tr>
<td>Cedarhurst</td>
<td>73</td>
<td>8,447</td>
<td>43</td>
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<tr>
<td>Birchwood</td>
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<td>9,215</td>
<td>1</td>
<td>20%</td>
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<tr>
<td>Halls Lake</td>
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<td>8,955</td>
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<td>Amini</td>
<td>5</td>
<td>8,402</td>
<td>4</td>
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<table>
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<th>Lots</th>
<th>% Lots</th>
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<tbody>
<tr>
<td>&lt;7,200 sf</td>
<td>&lt;7,200 sf</td>
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<tr>
<td>Hemlock Ridge</td>
<td>18</td>
</tr>
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<td>Total</td>
<td>229</td>
</tr>
</tbody>
</table>

* Calculated per LMC 21.42.210.C

Note: Subdivisions with preliminary or final approval.
1/4/08

MEMO
TO: Lynnwood Planning Commission
FROM: Paul Krauss, Comm. Development Director
Kevin Garrett, Planning Manager
RE: Draft Ordinance Amendments Regulating Temporary Tent Encampments

PLANNING COMMISSION UPDATE

Last Fall staff had several discussions with the Planning Commission on this topic. The Commission determined that staff should prepare a draft Code dealing with Temporary Tent Encampments or Tent Cities. A draft has been prepared and is ready for discussion. Depending upon the direction of the Commission, we anticipate holding a Public Hearing on the ordinance in February or March.

BACKGROUND

Provision of adequate and safe housing for the homeless and for low income households, continues to be a problem. There are a variety of causal factors. Our society has not affirmed a basic right to safe housing for all Americans nor has it devoted sufficient resources to providing it. Housing costs have escalated at rates faster than incomes have risen while the numbers of living wage jobs available to people without higher education and skills have dropped. The mental health system fails to meet many needs. Some people who would have been institutionalized in the past are now homeless. Finally, many households are a paycheck or unexpected emergency away from homelessness.

In our region ambitious plans have been developed to end homelessness and efforts are being made although I am not optimistic they will succeed. Against this background, homeless advocacy groups and the homeless themselves have created several “tent cities” or encampments that take up temporary residence in communities around Central Puget Sound. They typically move to an area, often with short notice to local government or neighbors, stay for about three months, and move to the next site.

Homeless advocates maintain that the tent cities are one of the few options around to provide safe and supportive housing for the homeless. While this may be true, the issue
Tent cities have existed for several years. The first ones in Bothell and Woodinville resulted in a great deal of concern and legal action by both the cities and tent cities. As recently as last year, Bellevue attempt to use legal measures to restrict the amount of time one could remain in the City. By and large, the cities have lost their appeals and the tent cities allowed to open, with or without permits. Most are located on property owned by a religious institution. Under a Federal law commonly called the “Freedom of Religion Act”, the ability of the organization to act in accordance with their religious principals is protected. The law does not prohibit all regulatory controls but it does impose severe limits.

By and large, the host cities and site neighbors have found the tent cities to be much more benign than envisioned in their initial fears. They are generally well run and adequately supported by the hosts. Their self-governance structure appears to work and they do not harbor criminals.

PROPOSAL/ACTION

Many area cities have already considered and adopted regulations, consistent with legal limitations, dealing with tent cities. It is imperative that these regulations be adopted before a tent city arrives in a community as there is insufficient time to do so after the fact. Lynnwood has not yet had a tent City nor has a regulatory framework been considered.

PROPOSED ORDINANCE

The draft ordinance is based upon a series of ordinances and refinements that have been adopted by other cities in the region. As proposed, the code incorporates the following:

- 40-foot setback buffer from single family, 20’ from other uses
- No encampments in environmentally sensitive areas
- Six-foot high sight-obscuring fence
- Limitations on exterior lighting
- Limitations on maximum number of residents (100 people)
- No loss of required on-site parking
- No unaccompanied children under 18 years
- Written code of conduct
- Sponsor responsible for sanitary, trash removal, food prep and other facilities
- Prohibitions against residents with outstanding warrants and sex offenders
- Clarifications regarding Building Code application
- Site clean-up and restoration

Tent cities would be allowed only once per year at a given site and then only one within Lynnwood at any time.
Permit applications will be handled by the Community Development Department. 14 day public notice will be provided. Decisions by the Director will be subject to appeal to the Hearing Examiner. Any further appeals will be through the Court system.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold a Public Hearing and make a recommendation of approval to the City Council.

Attachments:
- Draft Ordinance
- Monroe’s Temporary Tent Encampment Ordinance
- MRSC Advisory on Tent Cities
Tent Cities Code Amendment

21.74 Temporary Tent Encampments

21.74.010 Regulations Established

Regulations concerning the establishment and processing of applications for temporary tent encampments in the city are hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited. Temporary use permits shall be required for temporary tent encampments in the city. With the exception of temporary use permits for tent encampment facilities that are in full compliance with this chapter, applications for temporary use permits, land use approvals, or any other permit or approval, in any way associated with temporary tent encampment facilities shall not be accepted, processed, issued, granted, or approved. If a temporary tent encampment is established in violation of this chapter or if, after temporary use permit is issued for the same, the Director of Community Development determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement and all activities associated with the temporary tent encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions.

21.74.020 Definitions

The following definitions apply to temporary tent encampments:

A. "Temporary tent encampment" means a group of homeless persons temporarily residing out of doors and in tents on a site with services provided by a sponsor and supervised by a managing agency.

B. "Managing agency" means an organization that has the capacity to organize and manage a temporary tent encampment. A "managing agency" may be the same entity as the sponsor.

C. "Sponsor" means a local religious institution or other local, community-based organization that has an agreement with the managing agency, residents of a temporary tent encampment, or their agents to host and to provide basic services and support for the residents of a temporary tent encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.

D. “Director” means the Community Development Director.
21.74.030 Requirements

The following requirements shall apply to all temporary tent encampments approved under this chapter, unless modified by the Director through approval of a temporary use permit (see below).

A. The encampment shall be located a minimum of twenty feet from the property line of abutting properties containing commercial, industrial, professional office, and multifamily residential uses. The encampment shall be located a minimum of forty feet from the property line of abutting properties containing single-family residential or public recreational uses, unless the Director finds that a reduced buffer width will provide adequate separation between the encampment and adjoining uses, due to changes in elevation, intervening buildings or other physical characteristics of the site of the encampment.

B. No encampment shall be located within a critical area or its buffer as defined by LMC Chapter 17.10.

C. A six-foot tall sight-obscuring fencing is required around the perimeter of the encampment, provided that the fencing does not create a sight obstruction at the street or street intersections or curbs as determined by the city engineer, unless the Director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.

D. Exterior lighting must be directed downward and glare contained within the temporary tent encampment.

E. The maximum number of residents at a temporary tent encampment site shall be determined by the Director taking into consideration site conditions, but in no case shall the number be greater than one hundred people.

F. On-site parking of the sponsor shall not be displaced unless sufficient required off-street parking remains available for the host's use to compensate for the loss of on-site parking or unless a shared parking agreement is executed with adjacent properties.

G. A transportation plan that shall include provision for transit services.

H. No children under eighteen are allowed to stay overnight in the temporary tent encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen attempts to stay at the encampment, the sponsor and the managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child and any accompanying parent or guardian.

I. The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the
temporary tent encampment resident, but also mitigates impacts to neighbors and the community. A copy of the code of conduct shall be submitted to the city at the time of application for the temporary use permit. Said code shall be incorporated into the conditions of approval.

J. The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations, the Lynnwood Municipal Code, and Snohomish Health District concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials. The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

K. The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met at/for:

1. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;

2. Hand washing stations by the toilets and food preparation areas;

3. Food preparation or service tents; and

4. Refuse receptacles.

L. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residences involved in food donations and storages shall be made aware of these guidelines consistent with the Snohomish Health District requirements.

M. The sponsor and the managing agency shall designate points of contact for the Lynnwood Police Department. At least one designated point of contact shall be on duty at all times. The names of the on-duty points of contact shall be posted on site daily and their contact information shall be provided to the Lynnwood Police Department.

N. Facilities for dealing with trash shall be provided on-site throughout the encampment. A regular trash patrol in the immediate vicinity of the temporary tent encampment site shall be provided.

O. The sponsor and the managing agency shall take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and use the identification to obtain sex offender and warrant checks from appropriate agencies. The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary tent encampment.
P. The sponsor and the managing agency shall immediately contact the Lynnwood Police Department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected/ejected person is a potential threat to the community.

Q. Temporary structures that cover an area in excess of one hundred twenty square feet, including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of ten or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official pursuant to Section 3103 of the International Building Code as adopted by the City of Lynnwood.

R. The sponsor, the managing agency and temporary tent encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.

S. The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary tent encampment, all temporary structures and debris shall be removed from the host site within one calendar week.

21.74.040 Frequency And Duration Of Temporary Use

The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three-hundred-sixty-five-day period. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred-sixty-five-day period. No more than one temporary tent encampment may be located in the city at any time. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.

21.74.050 Permit Required

Establishment of a temporary tent encampment shall require approval of a temporary use permit, as described in this chapter, and compliance with all other applicable City regulations. The Director shall have authority to grant, grant with conditions or deny an application for a temporary use permit under this chapter.

21.74.060 Application

Application for a temporary use permit shall be made on forms prescribed by the city, and shall be accompanied by the following information; provided, that the community development director may waive any of these items, pursuant to LMC 1.35.015(A), upon request by the applicant and finding that the item is not necessary to analyze the application. An application to establish a temporary tent encampment shall be signed by both the sponsor and the managing agency ("applicant").
A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing rights-of-way and improvements, and existing and proposed structures, tents and other improvements (including landscaping and fencing at the perimeter of the proposed encampment and the property and off-street parking).

B. A vicinity map, showing the location of the site in relation to nearby streets and properties;

C. A written summary of the proposal, responding to the standards and requirements of this chapter;

D. The written code of conduct, as required by this chapter;

E. Statement of actions that the applicant will take to obtain verifiable identification from all encampment residents and to use the identification to obtain sex offender and warrant checks from appropriate agencies.

F. Project statistics, including site area, building coverage, number and location of tents and temporary structures, expected and maximum number of residents, and duration of the encampment;

G. A legal description of the subject property, including parcel number;

H. Photographs of the site;

I. A list of other permits that are or may be required for development of the property (issued by the city of by other government agencies), insofar as they are known to the applicant;

J. Deposit for processing costs, as for a conditional use permit as set forth in Chapter 3.104 LMC;

L. A list of any requirement under this chapter for which the applicant is asking to modify, as allowed under Section 21.74.080.D.

21.74.070 Decision and Appeal

A. Notice

A notice of application for a temporary use permit shall be provided at least fourteen days prior to action by the Director on an application. The purpose of the notice is to inform the surrounding community of the application and to provide the opportunity to comment on the proposal. The notice shall contain, at a minimum, the date of application, project location, proposed duration and operation of the temporary tent encampment, number of residents for the encampment, conditions that will likely be placed on the operation of the encampment, and requirements of the written code of conduct. The notice shall be distributed as follows:
1. A copy of the notice, or summary thereof, will be published in the official newspaper of the city.

2. A copy of the notice, or summary thereof, shall be posted at two publicly visible locations on the subject property.

3. A copy of the notice, or summary thereof, shall be mailed to owners of all property within three hundred feet of any boundary of the subject property, and any neighborhood organization in the vicinity of the subject property whose contact information is known to or made known to the managing agency.

B. Decision and Notice of Decision

After conclusion of the 14-day comment notice/comment period (ref. Paragraph A, above) and based on consideration of all comments received and review of the application, the Director shall decide whether to grant, grant with conditions or deny a temporary use permit. Before any temporary use permit may be granted, the applicant shall show that:

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed encampment;

2. The proposed use shall meet the performance standards that are required in the zoning district the encampment will occupy and the requirements of this chapter;

3. The proposed use shall be in keeping with the goals and policies of the comprehensive plan;

4. All measures have been taken to minimize the possible adverse impacts, which the proposed encampment may have on the area in which it is located.

If issued, the permit for the temporary tent encampment shall be issued jointly to the sponsor and managing agency. A notice of such decision stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application/hearing within three business days after the date of the decision.

C. Conditions

Because each temporary tent encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the Director shall have the authority to impose conditions on the approval of a temporary use permit to insure that the proposal meets the criteria for approval listed above. Conditions, if imposed, must be intended to minimize nuisance-generating features in matters of noise,
waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the temporary tent encampment may have on the area in which it is located. In cases where the application for temporary use permit does not meet the provisions of this chapter (except when allowed under Subsection D) or adequate mitigation may not be feasible or possible, the Director shall deny the application.

D. Modification of Requirements

The Director may approve a temporary use permit for a tent encampment that relaxes one or more of the standards in this chapter only when, in addition to satisfying the decision criteria stated above, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the Director shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications shall not be granted if their adverse impact on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on applicant.

E. Appeal

The Director's decision may be appealed to the Hearing Examiner under Process II (LMC 1.35.200 et. seq.).

21.74.080 No Intent To Create Protected/Benefited Class.

Provisions in this chapter are intended to promote the health, safety and welfare of the general public. Nothing contained herein is intended to be nor shall be construed to create or otherwise establish any particular class or group of persons who will or should be especially protected or benefited by the provisions in this chapter. The provisions in this chapter are not intended to be, nor shall be, construed to create any basis for liability on the part of the city, its officers, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the part of the city. Likewise, they are not intended to, nor shall be construed to, impose upon the city any duty that can become the basis of a legal action for injury or damage.
Chapter 18.75
TEMPORARY TENT ENCAMPMENT

Sections:
18.75.010 Regulations established.
18.75.020 Standards for homeless encampments.
18.75.030 Frequency and duration of temporary use.
18.75.040 Notice requirements, review process and appeal procedure for temporary tent encampment applications.
18.75.050 No intent to create protected/benefited class.

18.75.010 Regulations established.

Regulations concerning the establishment and processing of applications for homeless encampments in the city are hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited. Temporary tent encampment permits shall be required for homeless encampments in the city. With the exception of temporary tent encampment permits for homeless encampment facilities that are in full compliance with this chapter, applications for temporary tent encampment permits, land use approvals, or any other permit or approval, in any way associated with such facilities shall not be accepted, processed, issued, granted, or approved. If a homeless encampment is established in violation of this chapter or if after temporary tent encampment permit is issued for the same, the director of community development determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement under Chapter 1.04 MMC. All activities associated with the homeless encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions. (Ord. 003/2007 § 2)

18.75.020 Standards for homeless encampments.

The following definitions and standards apply to temporary tent encampments for the purposes of application for and approval of a temporary use permit:

A. Definitions.
1. "Temporary tent encampment" means a group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
2. "Managing agency" means an organization that has the capacity to organize and manage a temporary tent encampment. A "managing agency" may be the same entity as the sponsor.
3. "Sponsor" means a local church or other local, community-based organization that has an agreement with the managing agency, residents of a temporary tent encampment, or their agents to host and to provide basic services and support for the residents of a temporary tent encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.

B. Standards.
1. The encampment shall be located a minimum of twenty feet from the property line of abutting properties containing commercial, industrial, professional office, and multifamily residential uses. The encampment shall be located a minimum of forty feet from the property line of abutting properties containing single-family residential uses, unless the host facility has Type 1 or Type 2 perimeter landscaping in accordance with Chapter 18.78 MMC, in which case the minimum setback is twenty feet.
2. No encampment shall be located within a critical area or its buffer as defined by Chapter 20.05 MMC.
3. A six-foot tall sight-obscuring fencing is required around the perimeter of the encampment, provided they do not create a sight obstruction at the street or street intersections or curbs as determined by the city engineer, unless the hearing examiner determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.
4. Exterior lighting must be directed downward and contained within the temporary tent encampment.
5. The maximum number of residents at a temporary tent encampment site shall be determined by the hearing examiner taking into consideration site conditions, but in no case shall the number be greater than one hundred people.
6. On-site parking of the sponsor shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking or a shared parking agreement is executed with adjacent properties pursuant to the criteria of MMC 18.86.080, Criteria for cooperative parking facility.
7. A transportation plan is required which shall include provision for transit services.
8. No children under eighteen are allowed to stay overnight in the temporary tent encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen attempts to stay at the encampment, the sponsor and the managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child and any accompanying parent or guardian.
9. The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary tent encampment resident, but also mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval.
10. The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations, the Monroe Municipal Code, Fire District 3, and Snohomish Health District concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials. The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure the same, and implement all directives resulting therefrom within the specified time period.
11. The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met:
   a. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;
   b. Hand washing stations by the toilets and food preparation areas;
   c. Food preparation or service tents; and
   d. Refuse receptacles.
12. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residences involved in food donations and storages shall be made aware of these guidelines consistent with the Snohomish Health District requirements.
13. The sponsor and the managing agency shall appoint a member to serve as a point of contact for the Monroe police department. At least one appointed resident shall be on duty at all times. The names of the on-duty members shall be posted daily.
14. Facilities for dealing with trash shall be provided on-site throughout the encampment. A regular trash patrol in the immediate vicinity of the temporary tent encampment site shall be provided.
15. The sponsor and the managing agency shall take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and use the identification to obtain sex offender and warrant checks from appropriate agencies. The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary tent encampment.
16. The sponsor and the managing agency shall immediately contact the Monroe police department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.
17. Temporary structures that cover an area in excess of one hundred twenty square feet (11.16 square meters), including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of ten or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official pursuant to Section 3103 of the International Building Code as adopted by the city of Monroe.
18. The sponsor, the managing agency and temporary tent encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.
19. Where deemed necessary by the hearing examiner, the sponsor and/or the managing agency shall procure and maintain in full force, through the duration of the temporary tent encampment, comprehensive general liability insurance with a minimum coverage of one million dollars per occurrence/aggregate for personal injury and property damage.
20. Where deemed necessary, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for a temporary tent encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.
21. The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary tent encampment, all temporary structures and debris shall be removed from the host site within one calendar week. (Ord. 003/2007 § 2)

18.75.030 Frequency and duration of temporary use.
The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three-hundred-sixty-five-day period. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred-sixty-five-day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition. (Ord. 003/2007 § 2)

18.75.040 Notice requirements, review process and appeal procedure for temporary tent encampment applications.

A. Notice Requirements for Temporary Tent Encampments. The completed application, which shall be signed by both the sponsor and the managing agency ("applicant"), shall contain at a minimum contact information for the applicant, and detailed information regarding the following: (1) how the applicant will meet the requirements of the permit for a temporary tent encampment as set forth in this chapter; (2) potential adverse effects that the proposed encampment will likely have on neighboring properties and community; (3) measures to mitigate these adverse effects; (4) the written code of conduct adopted by the applicant for the temporary tent encampment; (5) provisions by applicant to meet requirements of the International Fire Code; and (6) certification that the applicant has taken all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the community development department upon request by the sponsor and/or the managing agency.

A notice of application and copy of the application for a temporary tent encampment shall be provided at least fifteen days prior to the decision regarding the issuance of the permit. The purpose of the notice is to inform the surrounding community of the application. The notice shall contain, at a minimum, the date of application, project location, proposed duration and operation of the homeless encampment, number of residents for the encampment, conditions that will likely be placed on the operation of the homeless encampment, and requirements of the written code of conduct. The applicant shall distribute said notice as follows:

1. A copy of the notice and application, or summary thereof, will be published in the official newspaper of the city.
2. A copy of the notice and application, or summary thereof, shall be (a) posted at two publicly visible locations on the site upon which the proposed homeless encampment will be located, and (b) mailed to owners of all property within five hundred feet of any boundary of the subject property, and any neighborhood organization in the vicinity of the homeless encampment site whose contact information is known to or made known to the managing agency.

B. Review Process, Notice of Decision Regarding Issuance of Permit, and Appeal Procedure. After review of the application for a temporary tent encampment and an open record hearing pursuant to MMC 21.50.030(B), the hearing examiner shall make a decision regarding the issuance of a temporary tent encampment permit. Before any temporary tent encampment permit may be granted, it shall be shown that:

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed encampment;
2. The proposed use shall meet the performance standards that are required in the zoning district the encampment will occupy and the requirements of this chapter;
3. The proposed use shall be in keeping with the goals and policies of the comprehensive plan;
4. All measures have been taken to minimize the possible adverse impacts, which the proposed encampment may have on the area in which it is located.

Because each temporary tent encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for homeless encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Conditions, if imposed, must relate to findings by the hearing examiner, and must be calculated to minimize nuisance-generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the temporary tent encampment may have on the area in which it is located. In cases where the application for temporary tent encampment does not meet the requirements or standards of this chapter or adequate mitigation may not be feasible or possible, the hearing examiner shall deny issuance of a temporary tent encampment permit.

If issued, the permit for the temporary tent encampment shall be issued jointly to the sponsor and managing agency. A notice of such decision stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision. Appeal of the hearing examiner's decision shall be as set forth in MMC 21.50.090.

The hearing examiner's decision will be the city's final decision. Any appeal of the city's final decision may only be made to
Snohomish County Superior Court in accordance with Chapter 36.70C RCW. The burden of proof on appeal shall be on appellant.

C. Additional Requirements for Applications Requesting Modification of Standards for Temporary Tent Encampments. The applicant may apply for a temporary tent encampment permit that applies standards that differ from those in MMC 18.75.020 only where, in addition to satisfying the requirements in subsection (A) of this section, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the hearing examiner shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications should not be granted if their adverse impact on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on applicant. (Ord. 003/2007 § 2)

18.75.050 No intent to create protected/benefited class.

Provisions in this chapter are intended to promote the health, safety and welfare of the general public. Nothing contained herein is intended to be nor shall be construed to create or otherwise establish any particular class or group of persons who will or should be especially protected or benefited by the provisions in this chapter. The provisions in this chapter are not intended to be, nor shall be, construed to create any basis for liability on the part of the city, its officers, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the part of the city. Likewise, they are not intended to, nor shall be construed to, impose upon the city any duty that can become the basis of a legal action for injury or damage. (Ord. 003/2007 § 2)
Tent City - Temporary Homeless Shelters in King County

About Tent City Camps in King County

Tent City is a temporary encampment of up to 100 homeless persons who live in a group of tents on the property of a host for approximately 90 days. The camps have managers and a code of conduct for residents.

The program is sponsored and managed by SHARE/WHEEL (Seattle Housing and Resource Efforts (SHARE) and Women’s Housing, Equality, and Enhancement League (WHEEL)). The first community, called Tent City 3, was created in 2000. It has had camp sites in Seattle, Shoreline, Tukwila, and Burien. Tent City 3 will be hosted on the campus of Seattle University in early 2005. SHARE/WHEEL established Tent City 4 in the spring of 2004 on the Eastside after working out an agreement with King County.

Local governments in King County issue conditional use permits for the temporary camps Seattle-King County Public Health provides support services to camp managers. This Web page provides the local government documents related to temporary permitting for Tent City. If you have anything that would be of interest for this page, please contact the page editor.

King County

The Metropolitan King County Council created the King County Citizens’ Advisory Commission on Homeless Encampments (CACHE) to address four specific topics related to the complex and controversial issue of encampments of persons who are homeless in King County.

- Tent City 4 News and Updates - King County Housing and Community Development Program (Includes King County documents).
- Final Report - King County Citizens’ Advisory Commission on Homeless Encampments (CACHE) (154 KB) - August 2004

Auburn

- Auburn Resolution No. 3808 (77 KB) - Establishes a moratorium on acceptance of applications for licenses, permits and approvals relating to transitory accommodations, passed 1-05
- Auburn Ordinance No. 6014 (563 KB) - Adopts regulations related to homeless encampments, passed 7-06

Burien (Tent City 3)

- City of Burien Temporary Use Permit for Tent City - November 1, 2002

Bothell (Tent City 4)

- City of Bothell Resolution No. 1159 - Stating the city of Bothell position regarding King County’s sitting of Tent City 4

http://www.mrsc.org/Subjects/Housing/TentCity/TentCity.aspx
- **City of Bothell Resolution No. 1162** - Finding that Tent City 4 presents special circumstances warranting a different review process than normally would apply to campgrounds, and establishes a special conditional use process applicable specifically to Tent City 4.

- **City of Bothell Ordinance No. 1927** - Establishing a six month moratorium on the use of property for transitory accommodations.

- **City of Bothell Ordinance No. 1943** (67 KB) - Renews the moratoria for an additional 6 months, passed 2-05

- **City of Bothell Ordinance No. 1955** (226 KB) Establishes regulations concerning transitory accommodations, 12-05

- **City of Bothell Tent City 4 Special Conditional Use Permit** - Issued July 19, 2004

- City of Bothell v. St. Brendan Parish
  - City of Bothell v. St. Brendan Parish - [Findings of Fact & Conclusions of Law on City’s Motion for Preliminary Injunction](#)
  - City of Bothell v. St. Brendan Parish - [First Amended Complaint for Declaratory and Injunctive Relief](#)
  - City of Bothell v. St. Brendan Parish - [City’s Motion for Preliminary Injunction](#)
  - City of Bothell v. St. Brendan Parish - [Preliminary Injunction](#)
  - City of Bothell v. St. Brendan Parish - [SHARE/WHEEL Response to Motion for Injunction](#)
  - City of Bothell v. St. Brendan Parish - [Memorandum of St. Brendan Parish Opposing Preliminary Injunction](#)

- **Tent City 4 - Final Bothell Police Department Report** - September 30, 2004

### Kirkland (Tent City 4)

- **Homeless Encampments** - Kirkland
- Kirkland **Ordinance No. 4047** (41 KB) - Temporary Use Provisions for homeless encampments

### Redmond

- **Tent City**

### SeaTac

- **SeaTac Ordinance No. 05-1017** (119 KB) adopts development standards for homeless encampments, passed 10-05.

### Seattle (Tent City 3)

- **Information on Tent City 3’s Stay on Beacon Hill** (2004) - North Beacon Hill Council
- **Tent City Retrospective** - Seattle University

### Shoreline (Tent City 3)

- **Administrative Order #301138** - A Decision on Application for Temporary Use Permit, December 6, 2002 - The proposal is for the Shoreline Free Methodist Church, 510 NE 175th Street, Shoreline, to host a Tent City temporary homeless camp on the church property.
- **Shoreline Police Memorandum** - October 26, 2004 RE: Tent City Recap
- **Shoreline Tent City Survey Results**
- **Shoreline Ordinance No. 368** (74 KB) - Amends development code Ch. 20.40, requires applicant to hold a neighborhood meeting prior to application, passed 2-05.

### Woodinville (Tent City 4)

http://www.mrsc.org/Subjects/Housing/TentCity/TentCity.aspx 09/19/2007
- **Understanding Temporary Shelters for Homeless** (Chronology of Tent City 4 in Woodinville)
- **Woodinville Ordinance No. 369** (97 KB) - Permits Tent City 4 to use undeveloped parkland as a temporary location for up to 40 days, passed 6-04.
- **Woodinville Ordinance No. 370** (152 KB) - Amends Ordinance No. 369, passed 8-04
- **Woodinville Ordinance No. 371** (132 KB) - Extends time for negotiating an agreement per Ordinance No. 370, passed 8-04
- **Woodinville Ordinance No. 372** (158 KB) - Authorizes the City Manager to amend the August 27 Temporary Property Use Agreement as needed, including the ability to extend the authorized duration during which Tent City 4 may remain on City property, passed 9-04